

VZCZCXRO9746
RR RUEHDF RUEHLZ
DE RUEHAG #0036 1381339
ZNR UUUUU ZZH
R 181339Z MAY 07
FM AMCONSUL HAMBURG
TO RUEHC/SECSTATE WASHDC 0147
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC
INFO RUEHRL/AMEMBASSY BERLIN 0136
RUCNFRG/FRG COLLECTIVE
RUEHAG/AMCONSUL HAMBURG 0166

UNCLAS HAMBURG 000036

SIPDIS

STATE FOR EUR/AGS, EUR/PPD, L/LEI, AND S/CT
JUSTICE FOR BARBARA BERMAN AND PATRICIA REEDY
SIPDIS

E.O. 12958: N/A
TAGS: [PTER](#) [KJUS](#) [PREL](#) [ASEC](#) [GM](#)
SUBJECT: MOTASSADEQ LOSES FINAL APPEAL

REF: A. A) HAMBURG 001

- [1](#)B. B) 06 HAMBURG 074
- [1](#)C. C) 06 HAMBURG 67, AND PREVIOUS
- [1](#)D. D) 04 HAMBURG 411

[1](#)1. (U) On May 11, the German Federal High Court in Karlsruhe announced its decision to reject 9/11 cell member Mounir el-Motassadeq's appeal of the January 8 verdict of the Hamburg Regional Court that convicted Motassadeq of membership in a terrorist organization and of 246 counts of accessory to murders that took place in the 9/11 terrorist attacks. The Court also upheld the Hamburg Regional Court's January 8 fifteen-year prison sentence (Ref A) making Hamburg's decision legally binding.

[1](#)2. (U) After five-and-a-half years of legal battles, this was Motassadeq's final appeal in the German court system and so he will continue to serve his sentence. The High Court found Motassadeq's appeal "unfounded" and said its re-examination of the January 8 decision did not reveal any legal errors. Motassadeq's defense lawyer Udo Jacob told the press that he intends to take the case to the European Court of Human Rights. Calling the German courts' decisions "arbitrary," Jacob claimed that his client had been convicted based on "speculation" and that acquitted Hamburg cell member Abdelghani Mzoudi was willing to testify (Ref D).

[1](#)3. (U) This message has been coordinated with Embassy Berlin.

BUTCHER